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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,646	01/13/2006	Hitoshi Kokumai	19A 3812 PCT	1674
7590 Quinn Emanuel Urquhart Oliver & Hedges, LLP Koda/Androlia 865 S.Figueroa Street, 10th Floor Los Angeles, CA 90007			EXAMINER KANAAN, SIMON P	
			ART UNIT 2432	PAPER NUMBER
			MAIL DATE 02/22/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,646

Applicant(s)

KOKUMAI ET AL.

Examiner

SIMON KANAAN

Art Unit

2432

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to applicant's amendment filed on 11/5/2009 for Application No. 10564646.
2. Applicant's arguments/ amendments with respect to pending claims 10 through 12 filed 11/5/2009, have been fully considered but are not persuasive

Applicant's Arguments

3. Applicant's replacement drawings in figures 3, 4 and 5 overcome the previous office action's objection to the drawings.
4. Applicant's cancelation of claims 1-9 and 13-20 overcome the previous office action's rejections and objections to claims 1-9 and 13-20.
5. Applicant's arguments:
 - a. That the cited prior art does not disclose episode memory and provides Mnemonic Guard presented in April 6, 2009 for this support.
 - b. That the cited prior art does not disclose unwilling authentication signal used when user authentication is performed despite intention of the user.
6. Applicant's arguments for claims 10-12 have been fully considered and are not persuasive.
7. Examiner's response to applicant's arguments:
 - a. As stated in the previous office action applicant in the specification page 18, teaches that episode memory is a type of long-term memory. Therefore if a password contains episode memory it is within the scope of long-term memory. Taguchi, column 4,

lines 33 through 39, teaches that the password contains elements of birthday, birthplace, acquaintances, alma mater year etc... These elements include episodes of people's lives such as acquaintances. Examiner is not relying on the reference "Mnemonic Guard" presented in April 6, 2009 since the date is not at the time of the invention. Examiner interpreted the claim language in light of the specification and what is considered commonly accepted terminology to arrive at the broadest but reasonable interpretation of the claim language..

b. In the applicant's specification on page 19, when the user information is constituted by two or more information units, one of the two information units can be used as an unwilling user authentication signal indicating that the user authentication is against the user's will, e.g., forcibly performing user authentication under threat. Moto Eitetsu teaches having multiple passwords for authenticating where a user may use an emergency password which triggers an emergency procedure if user is forced to authenticate but wishes not to authenticate using his normal non-distressed password.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al. (US patent # 7,065,786 B2) in view of Moto Eitetsu (JP 2002358418(A)).

As per claim 10, Taguchi discloses an individual authentication system using a recording medium, the recording medium being constituted by a memory function by using an electronic device in which a memory function is built, the memory function having functions of: registration information recording means which registers both user information including at least one information unit known by a user to be registered in authentication and non-user information including at least one information unit unknown by the user for user authentication in the recording medium in advance to record registration information; - Taguchi, column 1, lines 30 through 42, password which is dependent on user is registered, column 9, line 40 time of data entry is compared and hence stored i.e. registered, the registered password is stored on a recording medium

and access information recording means which record access information given the user, comprising an authentication computer having: access information comparison determining means which confirms, when a user candidate inputs access information, that the access information is the access information given to the user candidate in user authentication; registration presenting means which outputs the registration information recorded on the registration information recording means on the bases of generation of a confirmation signal from the access information determining means; user information determining means which compares input user information selected from the presented registration information with the recorded user information for authentication; - Taguchi, column 1, lines 30 through 42, password which is dependent on user is registered, column 9, line 40 time of data entry is compared and

hence stored i.e. registered, the registered password is stored on a recording medium, to compare the values the device will have access to the recording medium

an authentication signal generating means which generates an authentication signal to the electronic device in which the recording medium is built on the bases of authentication determination of the user information determining means to permit the user to use the electronic device; - Taguchi, figure 8, password created by user selection is compared to registered information, if there is a match a match signal is outputted hence allowing access

and wherein the user information is selected from an image in an episode memory of the user; -In the applicant specification page 18, episode memory is a type of long-term memory therefore if a password contains episode memory it contains long-term memory, Taguchi, column 4, lines 33 through 39, the password contain elements of birthday, birthplace, acquaintances, alma mater year etc...

But Taguchi does not teach at least one of the user information is an information unit for unwilling authentication signal used when user authentication is performed despite the intention of the user.

However Moto Eitetsu teaches one of the user information is an information unit for unwilling authentication signal used when user authentication is performed despite the intention of the user. – Moto Eitetsu, abstract, teaches having multiple passwords for authenticating where a user may use an emergency password which triggers an emergency procedure if user is forced to authenticate but wishes not to authenticate using his normal non-distressed password.

It would have been obvious at the time of the invention to modify the modify the password generation verification method of Taguchi with the emergency password verification

method of Moto Eitetsu since it would be desirable for some applications such as ATM machines to have an emergency password to use if the user is forced to authenticate unwillingly but desires a different outcome than there normal non-distressed authentication.

As per claim 11, Taguchi in view of Moto Eitetsu discloses The individual authentication system using a recording medium according to claim 10, wherein the non-user information is non-user information synthesized on the basis of the user information. - Taguchi, column 1, lines 30 through 42, password which is dependent on user is registered, column 9, line 40 time of data entry is compared and hence stored i.e. registered, the registered password is stored on a recording medium, the password is a combination of categories and the answers within the categories. Synthesized by definition means combining parts. Taguchi teaches a password which is combined of parts known to user and no known

As per claim 12, Taguchi in view of Moto Eitetsu discloses The individual authentication system using a recording medium according to claim 10, wherein pieces of individual registration information and pieces of access information are held. -Taguchi, column 1, lines 30 through 42, password which is dependent on user is registered, column 9, line 40 time of data entry is compared and hence stored i.e. registered, the registered password is stored on a recording medium

Conclusion

10. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 1/13/2006 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Kanaan whose telephone number is (571) 270-3906. The examiner can normally be reached on Monday to Friday 8:30 AM to 5:00 PM.

If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Gilberto Barron, can be reached at the following telephone number: (571) 272-3799.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained

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from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SIMON KANAAN/
Examiner, Art Unit 2432

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2432